

Ex. C

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, STATE OF  
COLORADO, STATE OF DELAWARE,  
COMMONWEALTH OF  
MASSACHUSETTS, STATE OF NEW  
MEXICO, STATE OF NEW YORK,  
STATE OF OREGON, STATE OF  
RHODE ISLAND, STATE OF  
VERMONT, and STATE OF  
WASHINGTON,

Plaintiffs,

v.

UNITED STATES OF AMERICA, U.S.  
ENVIRONMENTAL PROTECTION  
AGENCY, LEE ZELDIN, in his official  
capacity as Administrator of the U.S.  
Environmental Protection Agency, and  
DONALD J. TRUMP, in his official  
capacity as President of the United States,

Defendants.

No. 4:25-cv-04966-HSG

**DECLARATION OF TIM DEMARTINI  
IN SUPPORT OF AMERICAN FREE  
ENTERPRISE CHAMBER OF  
COMMERCE'S MOTION TO  
INTERVENE**

I, Tim DeMartini, declare as follows:

1. I make this declaration in support of American Free Enterprise Chamber of Commerce's Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge. If called as a witness in this action, I could and would testify competently to the facts set forth herein.

2. I am the owner of DeMartini RV Sales ("DeMartini RV") and I am familiar with all aspects of the company's work and operations. DeMartini RV is a family owned and run sole proprietorship, with its main office in Grass Valley, California, that sells new and used recreational vehicles ("RVs"), primarily motorhomes, to customers from California and other states. DeMartini RV is a dues-paying member of the American Free Enterprise Chamber of Commerce.

3. The RV industry directly generates more than \$71 billion in annual economic

1 activity and supports more than 330,000 jobs nationwide. RV Industry Ass'n, *RVs Move*  
2 *America Economic Impact Study National Impact Data Table* (2022), available at  
3 <https://www.rvia.org/rvs-move-america-economic-impact-study>. In 2023, more than  
4 313,000 RVs were sold wholesale in North America. Motorhomes comprised nearly 46,000  
5 of those sales, or approximately 14.65%. RV Industry Ass'n, *December 2023 RV Wholesale*  
6 *Shipment Summary*, <https://perma.cc/QAM8-Y3T2>. In the United States, California  
7 accounts for 7.42% of wholesale RV shipments, second-most in the nation. RV Industry  
8 Ass'n, *2023 RV Industry Profile*, <https://perma.cc/2RVY-SKW7>. The RV industry directly  
9 contributes more than \$4.7 billion to the California economy, supports over 23,000 jobs in  
10 the state, and generates more than \$500 million in state tax revenue. RV Industry Ass'n,  
11 *RVs Move America Economic Impact Study California Impact Data Table* (2022), available at  
12 <https://www.rvia.org/rvs-move-america-economic-impact-study>.

13 4. DeMartini RV has been selling RVs in California since 1986. In 2023, we sold  
14 more than 500 RVs, generating more than \$75 million in sales revenue. Sales to California  
15 customers accounted for approximately two-thirds of the total, approximately \$40 million to  
16 \$50 million. These sales—and, indeed, the continued commercial viability of our 40-year-  
17 old business—are threatened by the Advanced Clean Trucks (“ACT”) and Heavy-Duty  
18 Engine and Vehicle Omnibus (“Omnibus”) regulations, which California and other states  
19 seek to authority to enforce through this litigation.

20 5. I understand that, generally, state regulations related to new vehicle  
21 emissions, like ACT and Omnibus, are prohibited by the federal Clean Air Act. 42 U.S.C.  
22 §7543(a). I also understand that the U.S. Environmental Protection Agency (“EPA”)  
23 granted waivers of Clean Air Act preemption, which would have allowed California and  
24 other states to enforce the programs. 88 Fed. Reg. 20,688 (Apr. 6, 2023); 90 Fed. Reg. 643  
25 (Jan. 6, 2025); 42 U.S.C. §§ 7507, 7543(b). On June 12, 2025, President Trump signed  
26 resolutions of disapproval that repeal these waivers. If California and other states succeed in  
27 their lawsuit challenging that repeal, they may be able to enforce the ACT and Omnibus  
28 regulations, and DeMartini RV will be harmed.



1           6. To understand why, it helps to understand how the motorhome supply chain  
2 works. The supply chain includes many players. Motorhomes are built—from design  
3 through assembly—by RV manufacturers. RV manufacturers rely on various suppliers for  
4 motorhome components and parts, including for the RV chassis. The chassis serves as the  
5 foundation for the motorhome and includes the powertrain. To date, all commercially  
6 available motorhome powertrains incorporate internal-combustion engines. Most  
7 motorhomes—from large “Class Super C” models to smaller “Class C” models—  
8 incorporate diesel engines because they provide greater torque and towing capacity, have  
9 higher fuel efficiency, typically require less service, and tend to last longer and have higher  
10 resale value than models with gasoline engines. In the United States, only a few suppliers  
11 make RV chassis. These suppliers include Freightliner, a subsidiary of Daimler Trucks  
12 North America, LLC; Spartan (Shyft Group); Ram (Stellantis); and Ford. Some chassis  
13 suppliers incorporate engines made by these suppliers, or by engine manufacturer Cummins.

14           7. Although the chassis is essential to the motorhome, it is a small part of the  
15 overall product. Unlike automobiles, motorhomes are typically highly customized, with a  
16 variety of different lengths, floor plans, colors, accessories, and options available for any  
17 given vehicle. Each motorhome is built to the specification of the wholesale purchaser,  
18 usually an RV dealer. The RV dealer, in turn, orders motorhomes by anticipating customer  
19 needs or in some cases, by taking customers’ special orders.

20           8. A motorhome is a significant investment for a customer, since motorhome  
21 retail prices can range from \$150,000 to over \$1 million. Given the cost, it is generally  
22 imperative for customers to see motorhomes firsthand—in RV dealer showrooms—before  
23 making a final purchase decision. As a result, DeMartini RV (and other RV dealers)  
24 generally have numerous examples of different combinations of each model and brand on-  
25 site to show customers in person.

26           9. Choosing the right combination of features for vehicles in our inventory is  
27 crucial to our success. Our inventory decisions are based on pricing, floor plans, and options  
28 available from the RV manufacturer. Typically, RV manufacturers unveil options for the

1 upcoming model year during their new product showcases in the Spring, i.e., RV  
2 manufacturers will unveil products for the 2026 model year in Spring 2025. After the order  
3 is placed, the build and assembly process takes approximately three to four months, at  
4 which time the completed motorhomes are shipped to the dealer.

5 10. In 2021, California adopted the ACT and Omnibus regulations. *See California*  
6 *Air Resources Board (“CARB”), Advanced Clean Trucks*, <https://perma.cc/XE3K-TQCQ>  
7 (Dec. 20, 2024); CARB, *Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated*  
8 *Amendments*, <https://perma.cc/ZY33-YX4B> (Dec. 20, 2024). California has since adopted  
9 amendments to both regulations. *See CARB, Amendments to the Advanced Clean Trucks*  
10 *Regulation and the Zero-Emissions Powertrain Certification Test Procedure*, <https://perma.cc/YC93-8VXF> (June 26, 2025); CARB, *Proposed Amendments to the Heavy-Duty Engine and*  
11 *Vehicle Omnibus Regulation*, <https://perma.cc/4FKQ-GWKS> (Dec. 23, 2024).

12 11. According to California, ACT aims “to accelerate the market for on-road  
13 zero-emissions vehicles,” i.e. electric vehicles, in the heavy-duty sector, that is, vehicles with  
14 a Gross Vehicle Weight Rating (“GVWR”) greater than 8,500 lbs. Cal. Code Regs. tit. 13,  
15 § 1963(a), (b). Beginning with the 2024 model year, manufacturers must produce and sell an  
16 increasing number of electric heavy-duty vehicles (as a proportion of their sales) in  
17 California. *Id.* § 1963.1–1963.3. Manufacturers incur deficits based on their total heavy-duty  
18 vehicle sales, *id.* § 1963.1, and earn offsetting credits for each electric heavy-duty vehicle  
19 sold, *id.* § 1963.2. In lieu of generating credits by selling electric vehicles, a manufacturer can  
20 also meet its obligation (i.e., offset its deficit) by purchasing credits from a competitor, *id.*  
21 § 1963.3. The share of electric heavy-duty vehicles that manufacturers must sell increases  
22 annually. *Id.* § 1963.1(b). Under the recent amendment, beginning with the 2036 model  
23 year, manufacturers can no longer sell any heavy-duty internal-combustion engine vehicles.  
24 *Id.* § 2016, *see CARB, Resolution 24-5* (Nov. 6, 2024), <https://perma.cc/QA6F-8GPL>  
25 (amending ACT to adopt Cal. Code Regs. tit. 13, § 1963.6); CARB, *Appendix A-1 Proposed*  
26 *Regulation Order*, <https://perma.cc/5RDM-NPG3> (Dec. 23, 2024) (adopted § 1963.6 text  
27 incorporating § 2016). Ten other states have adopted California’s ACT regulations. *See*  
28



1 CARB, *States That Have Adopted California's Vehicle Regulations*, [https://perma.cc/AG5L-](https://perma.cc/AG5L-GZFN)  
2 GZFN (June 26, 2025).

3 12. Among other things, the Omnibus regulations set stringent nitrogen-oxide  
4 emissions standards for new heavy-duty engines. The regulations set nitrogen-oxide  
5 emissions standards “90 percent below current levels on existing certification cycles” and  
6 introduced new, “lower [nitrogen-oxide] standards on new certification cycles” for diesel  
7 engines. CARB, *Heavy-Duty Low NO<sub>x</sub>*, <https://perma.cc/7SGB-5BUM> (Dec. 23, 2024). The  
8 Omnibus regulations also increase the stringency of particulate-matter emissions standards,  
9 and impose a host of complex new testing and warranty requirements. *See, e.g.*, Cal. Code  
10 Regs. tit. 13, §§ 1956.8, 2036. Nine other states have adopted California’s Omnibus  
11 regulations. *See* CARB, *States That Have Adopted California's Vehicle Regulations*,  
12 <https://perma.cc/AG5L-GZFN> (June 24, 2025).

13 13. Many motorhomes are heavy-duty vehicles. “Class Super C” RVs are built on  
14 a truck chassis and typically have GVWRs ranging from 19,500 lbs to 58,000 lbs. “Class A”  
15 RVs typically have GVWRs exceeding 13,000 lbs., and can exceed 30,000 lbs. “Class C”  
16 RVs typically range from 10,000 to 12,000 lbs. “Class B” RVs are the smallest, generally  
17 between 6,000 to 8,000 lbs. As a result, most Class A, Class C, and Class Super C RVs are  
18 heavy-duty vehicles subject to the ACT and Omnibus regulations. Under CARB’s  
19 regulations, RV chassis suppliers are the parties responsible for complying with the ACT  
20 and Omnibus requirements.

21 14. To meet the requirements of the ACT and Omnibus regulations, it is my  
22 understanding that suppliers will need to increase the share of electric powertrains sold in  
23 California, to reduce the share of internal-combustion engines—including those in RV  
24 chassis—sold in California, and to stop selling internal-combustion engines—including  
25 those in RV chassis—altogether in California starting in 2036.

26 15. There are presently no electric powertrain options for RV chassis. The ACT  
27 and Omnibus regulations reduce sales of heavy-duty engines in California and thus will  
28 constrain the supply of RV chassis—and so motorhomes—limiting DeMartini RV’s

1 inventory and decreasing DeMartini RV's retail sales. Basic economic principles also dictate  
2 that reducing the supply of engines for RV chassis will predictably increase prices for  
3 motorhome wholesalers. Both decreased retail sales and increased wholesale prices will  
4 harm DeMartini RV's bottom line.

5       16. Indeed, the ACT and Omnibus regulations have already had effects, which  
6 are rippling through the RV supply chain. In December 2024, DeMartini RV was notified  
7 by a major RV manufacturer that—based on limited ACT credits and Omnibus engine  
8 allocations—its RV chassis supplier will only provide *five* of a popular Class A RV chassis  
9 for the entire state of California in the first two quarters of 2025, with no commitment for  
10 any deliveries in the third and fourth quarters. DeMartini RV, alone, typically sells around  
11 *thirty* motorhomes from this particular RV manufacturer, based on this Class A chassis, to  
12 California residents each year. Five chassis is not even enough to demonstrate floorplans,  
13 models, and colors to promote the product to customers. The chassis supplier also indicated  
14 it will apply a surcharge of \$9,000 per RV chassis to the RV manufacturer sold for the  
15 California market, and require immediate, non-cancellable orders. This means that the fee  
16 to DeMartini RV, the retailer, will be a *minimum* of \$9,000. In the past, the RV  
17 manufacturer has charged retailers more than the chassis supplier surcharge. Unwilling to  
18 assume the risk that California retailers may not order motorhomes built on this chassis, the  
19 RV manufacturer has told DeMartini RV it will not procure the chassis unless we guarantee  
20 to purchase the finished motorhome products that will be built on them months from now—  
21 before we have seen the RV manufacturer's new product showcase (including costs and  
22 available configurations) or assessed customer demand. The constrained supply of this RV  
23 chassis places DeMartini RV in a bind: assume one-hundred-percent of the risk by  
24 guaranteeing purchase of motorhomes now—without knowing ultimate costs, available  
25 configurations, or customer sentiment—or risk having no models available during all of  
26 2025.

27       17. The RV manufacturer has also informed DeMartini RV that its supplier  
28 currently does not plan to provide *any* of a second popular RV chassis—used for “Super C”



1 Class motorhomes—for sale in California in 2025. In recent years, DeMartini RV has been  
2 one of the top sellers of a model line that relies heavily on this Super C RV chassis. The  
3 unavailability of this RV chassis for California sales means that DeMartini RV can no  
4 longer offer these popular Super C Class motorhomes to its mostly California buyers and  
5 will miss out on significant sales revenue. This is an example of only one of the RV  
6 manufacturers that DeMartini RV sells in the retail marketplace. The others are informing  
7 us of very similar supply constraints and issues, as well.

8 18. The shortages and price hikes will only increase if the ACT and Omnibus  
9 requirements ramp up in future years, as the regulations require. If they continue apace,  
10 selling new motorhomes may no longer be profitable in California. Indeed, there is a  
11 significant risk that RV chassis suppliers would abandon the California market entirely,  
12 since it represents only a small part of their overall business. DeMartini RV's only option to  
13 remain commercially-viable—although not nearly as profitable—likely would be to sell only  
14 used, older motorhomes, many of which would be purchased from out-of-state. The ACT  
15 and Omnibus regulations thus could have the unfortunate effect of *increasing* carbon dioxide  
16 emissions by encouraging the sale of older, less efficient motorhomes instead of new, clean-  
17 burning motorhomes.

18 19. DeMartini RV therefore has an interest in ensuring that the resolutions  
19 repealing the waivers are given full legal effect so that California and other states are  
20 prohibited from enforcing the ACT and Omnibus regulations.

21 I declare under penalty of perjury under the laws of the United States of America  
22 that the foregoing is true and correct.

23  
24 Executed on June 27, 2025.

25   
26 Tim DeMartini  
27  
28